

### REMARKS

Newly added claims 19-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kaupert alone or in combination with Thayer. Claims 7 and 11 have been allowed. The drawings and specification were objected to. Claims 19-21 and 23-25 have been amended. Reconsideration and further examination is respectfully requested.

In response to prior Office Actions issued with respect to this application, Applicant indicated that claims of the present invention are limited to a parachute attached to a fishing line. Applicant indicated his understanding that the term “parachute” has a commonly understood meaning and that the cited art did not teach or suggest a “parachute.” On the other hand, the examiner has taken the position that a parachute only has meaning in air which is not applicable to use in water. In the present Office Action, the claims are again rejected in light of art which does not disclose a parachute. In the prior amendment, Applicant presented new claims which removed the term “parachute” and referred to a “flexible sheet”. The examiner objected to the drawings and specification as failing to disclose a “flexible sheet.” Applicant respectfully disagrees.

Although the specification does not use the term “flexible sheet,” it clearly defines such a structure in describing the “parachute.” The parachute is described as being of rip-stop nylon or spiderwire. It is further described as being of 14 or 24 inches in diameter. The parachute is described as being domed in the direction of the fishing line. Finally, the parachute is described as being able to be trash packed in the container. All of these features of the “parachute” describe the structure of a “flexible sheet.” Nevertheless, in order to expedite prosecution of this application and to address the objections raised by the examiner, Applicant has returned to the

terminology set forth in the specification in referring to a “parachute”. Accordingly, the objections to the drawings and specification have been overcome and should be withdrawn.

The present invention and claims patentably distinguish over Kaupert and Thayer. Both the present application and Kaupert disclose structures for creating a drag on a fishing line. However, those structures are different. The present invention uses a parachute. This is a flexible structure which can be trash packed in a container. (See Specification, page 7, lines 2-3) On the other hand, Kaupert discloses a water scoop which has an umbrella type structure. The structure includes a plurality of stiff ribs. A flexible, foldable skin covers the ribs. The ribs allow the structure to open and close like an umbrella. The difference between a flexible parachute and an umbrella structure with stiff parts result in overall structural distinctions between the claimed structure of the present invention and that disclosed in Kaupert.

Claim 19 recites a fishing device including a line and a parachute connected to the line. Claim 19 further recites the structure connecting the parachute to the line. Specifically, a plurality of suspension lines connect the periphery of the parachute to a connector attached to a first, fixed point on the line. The center of the parachute is connected to a second, fixed point on the line. Kaupert does not disclose, teach or suggest the structure set forth in claim 19.

Kaupert discloses several embodiments of the scoop. All of these embodiments include an umbrella type structure which includes stiff ribs. Kaupert does not disclose a flexible structure of a parachute as recited in the claim. However, this is not the only distinction between Kaupert and claim 19. The stiff rib structure of Kaupert requires a different structure for attaching the scoop than the structure recited in claim 19.

First, the first embodiment in Kaupert includes a rod positioned between the ribs and to which the ribs are attached. On the other hand, claim 19 recites that the parachute is attached to a

line, such as fishing line or a wire. Kaupert does not disclose a line. A line, which is flexible to allow packing as recited in the specification, would not work with the structure of the first embodiment of Kaupert. Kaupert discloses that guy lines or support struts may attach the end of the ribs to the rod to strengthen the structure. The guy lines connect to a slidable ring which moves along the rod. In order to open the umbrella type scoop, the guy lines must move. They need the stiff rod support structure to allow proper movement. A flexible line could not work with a slidable ring. Therefore, claim 19 patentably distinguishes over Kaupert in that it recites a line which is not disclosed in Kaupert.

Second, the Office Action refers to reference 30 as being a line corresponding to that of claim 19. However, the scoop is not connected to line 30 in Kaupert. Line 30 connects the rod, to which the scoop connects, to the hook. Kaupert does not disclose a line to which suspension lines nor a parachute are connected. Kaupert does disclose another embodiment, shown in Fig. 4, which includes a flexible line 30b to which the scoop is connected. However, this embodiment does not include guy lines. As noted above, the stiff rib structure of the scoop requires the guy line connection to be slidable. This is not possible with a flexible line. For this reason, the embodiment of Fig. 4 does not disclose guy lines. Kaupert does not disclose an embodiment which includes both a line and suspension lines attached to it.

Third, claim 19 recites that the suspension lines are connected by a first connector to a fixed point on the line and that a center of the parachute is connected to a fixed point on the line. Kaupert does not disclose, teach or suggest connecting the suspension lines nor parachute to fixed points on a line. In the first embodiment, the guy lines are connected to a slidable ring which moves relative to the support rod. As discussed above, the umbrella type structure of Kaupert requires a movable connection on a stiff rod. In the embodiment of Fig. 4, which does

not include guy lines, the scoop itself is also not connected to a fixed point on the line. It is attached by structure which moves on the line. Therefore, Kaupert does not disclose, teach or suggest connecting suspension lines and a parachute to a support line nor any corresponding structure.

Thayer also fails to disclose the structures recited in claim 19. Thayer does not disclose a parachute nor suspensions lines. It does not disclose attaching a parachute nor suspension lines at fixed points on a line. Accordingly, claim 19 distinguishes over Kaupert.

For the foregoing reasons, claim 19 patentably distinguishes over the cited prior art and in condition for allowance.

Claims 20-25 depend from claim 19 and are allowable for at least the same reasons. These claims further distinguish over the cited art.

For example, claim 21 recites that the line passes through a portion of the parachute. Claim 25 recites openings in the parachute which impede rotation of the parachute. As noted in the Office Action, Kaupert does not disclose such structures. The Office Action merely ignores these deficiencies. It asserts that these structures would be obvious without any support whatsoever. With respect to claim 21, it suggests that Kaupert has the same function and no problem is solved. That does not make the recited structure obvious. Claim 21 recites a structure not disclosed, taught or suggested by the prior art. Nothing in the prior art makes this structure obvious. With respect to claim 25, the Office Action seeks to take official notice that openings in flexible sheets are well known. There is nothing in "openings" which disclose or suggest openings to impede rotation of the parachute. Accordingly, claim 25 distinguishes over the cited art.

Similarly, claim 24 recites that the parachute is trash packed in a container. Nothing in either Kaupert nor Thayer teaches or suggests trash packing within a container. Kaupert does not disclose a container. Thayer teaches a container, but not packing within it. The Office Action suggests that the “flexible sheet” of Kaupert could be trash packed. However, Kaupert teaches a scoop structure with stiff ribs. That structure could not be trash packed. Accordingly, claim 24 patentably distinguishes over the cited art.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Brett N. Dorny, Applicant’s Attorney at 508-709-0501 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

January 7, 2008

Date

/Brett N. Dorny/

Brett N. Dorny  
Attorney/Agent for Applicant(s)  
Reg. No. 35860

Brett N. Dorny  
Law Office of Brett N. Dorny  
386 West Main Street, Suite 12A  
Northborough, Massachusetts 01532  
Tel. 508-709-0501